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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,245	07/28/2000	George R. Cain JR.	CM03314J	2690

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
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FT LAUDERDAL, FL 33322

EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,245

Applicant(s)

CAIN ET AL.

Examiner

Congvan Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 16-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 1-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 2, 4 are objected to because of the following informalities: "a wireless communication device" on line 4 should be changed to --the wireless communication device--; "a receiver" and "a processor" on lines 2, and 4, should be changed to --the receiver --and --the processor--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 4, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being unclear the distinguish between first and second signal.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-15, 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al. (6,484,260).

Regarding claims 1, 12, 14, Scott discloses a personal identification system comprising a biometric input device for inputting a first user's biometric data (see fig.1, element 11, col.1, line 66-col.2, line 14, and its description); and a transmitter for transmitting a first data item derived from the first data user's biometric data to a controller (see fig.1, element 28, element 30 and its description).

Regarding claim 2, Scott further discloses a receiver, for receiving a first signal from the controller in response to the first data item derived from the first user's biometric data (see fig.1, element 26 and its description); and a processor for enabling a wireless communication device in response to the first signal (see fig.1, elements, 16, 28, and its description).

Regarding claims 3, 5, 7, 13, 15, Scott further discloses the biometric input device comprises a fingerprint reader (see col.1, line 66-col.2, line 14).

Regarding claims 4, 10, Scott further discloses a receiver, for receiving a second signal from the controller in response to the first data item from the first user's biometric

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data (see fig.1, element 26 and its description); and a processor for configuring the wireless communication device in response to the first signal (see fig.1, elements, 16, 28, and its description).

Regarding claim 6, Scott further discloses a pattern recognizer for extracting a set of essential biometric features from the first user's biometric data (see fig.1, element 32, 34, 36, col.1, lines 32-44 and its description).

Regarding claims 8-9, Scott further discloses an encoder for reading the first user's biometric data, and encoding the first user's biometric data to produce the first data derived from the first user's biometric data (see fig.1, element 23 and its description).

Regarding claim 11, Scott further discloses a pattern recognizer for extracting a set of essential biometric features from the first user's biometric data (see fig.1, element 32, 34, 36, col.1, lines 32-44 and its description) and an encoder for reading the first user's biometric data, and encoding the first user's biometric data to produce the first data derived from the first user's biometric data (see fig.1, element 23 and its description).

Regarding claims 41-42, Scott discloses a personal identification system comprising a transmitter (see fig.1, element 28, and its description); a button (see fig.1, element 15, its description); a fingerprint sensor born upon the button (see fig.1, element 11 and its description); a processor electrically coupled to the fingerprint sensor, to the transmitter and to the button (see fig.1, element 16 and its description).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Congvan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on monday-thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


CONGVAN TRAN
PATENT EXAMINER

Congvan Tran
Examiner
Art Unit 2683

CT
August 19, 2003